

CHAPTER 309 PUBLIC WORKS

TABLE

| | |
|--------|---|
| 309-1 | Department of Public Works |
| 309-10 | Marking of City-owned Cars and Equipment |
| 309-21 | Department of Public Works City Contracts |
| 309-23 | Hourly Employees to Get Overtime Pay |
| 309-25 | Minimum Wage Provisions Applicable to City Contractors |
| 309-27 | Specifications for Public Work Contracts |
| 309-31 | Wage Statements on Small Contracts |
| 309-33 | Disqualification of Contractor |
| 309-35 | Penalty |
| 309-37 | Limitations |
| 309-38 | Apprenticeship Requirements for Construction Contracts |
| 309-39 | Public Building Contracts |
| 309-41 | Participation of City Residents in City Construction Contracts |
| 309-51 | Rules for the Administration of the Metropolitan Sewerage District User Charges |
| 309-53 | Metropolitan Sewerage District Use Charges |
| 309-54 | Local Sewerage Charge |
| 309-61 | Operation of Parking Facilities |
| 309-71 | Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works |
| 309-72 | Notice and Appeal Procedures for Special Charges |
| 309-83 | Snow and Ice Removal Cost Recovery Charge |

309-1. Department of Public Works.

1. DUTIES. a. The department of public works shall be responsible for all matters relating to the design, construction, maintenance and operation of the physical properties of the city of Milwaukee including the streets, street appurtenances, alleys, pedestrian ways, malls, bridges, public buildings, water works, and storm and sanitary collection facilities, parking, municipal communications and the landscaping of public space. The department is also responsible for citation processing contract administration, parking checker, tow desk and night parking call-in desk functions, solid waste collection and disposal, street cleaning, snow and ice

control and removal, and operation and maintenance of the city's centralized fleet of motor vehicles.

b. Pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioner's designees may issue citations for nonmoving traffic violations pursuant to the citation procedure in s. 50-25. The commissioner of public works and the commissioner's designees are deemed traffic officers for the purpose of regulating and enforcing nonmoving traffic violations.

2. COMMISSIONER. The department shall be under the supervision of the commissioner of public works. The commissioner shall appoint the directors of the various divisions in the department, except the division of infrastructure services. The commissioner shall have supervision over the division directors and all department employees, except as otherwise provided by s. 8-07 of the charter. The commissioner shall have charge and custody of all physical property of the city, other than records, not assigned to some other officer or employee.

3. ORGANIZATION. The department shall consist of the divisions of administrative services, infrastructure services, operations and water works.

309-10. Marking of City-owned Cars and Equipment.

All automotive and other equipment belonging to the city under the control of the department of public works operations division except those automobiles designated by the director of the division and used by the common council, the mayor's office, the city attorney's office, the office of the commissioner of public works, the department of city development, the health department, the department of neighborhood services (one car), the director of the operations division, the commissioner of health, the city engineer and the city treasurer (one car), shall be prominently marked on each side thereof, with the words "CITY OF MILWAUKEE", and an identifying number on the rear with the letters "DPW", and the same number on the front with the number only. In lieu thereof, similarly designated automobiles used by the harbor commission may bear its "PORT OF MILWAUKEE" insignia and the identifying number of the operations division.

309-21 Public Works

309-21. Department of Public Works City Contracts. 1. HOURS OF WORK AND COMPENSATION. The service of all laborers and mechanics who are now or who may hereafter be employed by any contractor or subcontractor of the city upon any of the public works of this city is limited to days other than Saturdays, Sundays and legal holidays and restricted to 40 working hours per week, of which no more than 10 hours shall occur in any one calendar day; and, except as the commissioner of public works may approve to conform with occupational practices or as specifications may require, it shall be unlawful for any officer of the city government or any such contractor or subcontractor, whose duty it shall be to employ, direct or control the services of such laborers or mechanics, to require or permit any such laborer or mechanic to work on Saturdays, Sundays and legal holidays or more than 40 hours per week and 10 hours in any calendar day, except in cases where, in the opinion of the commissioner of public works, an emergency exists.

2. EMERGENCY WORK. In such instances, where overtime work has been permitted and laborers or mechanics are required to work more than 10 hours per day or 40 hours per week, or at times other than the normal workday or workweek, they shall be paid by the contractor in accordance with the prevailing overtime wage rates. When, and only when, an emergency has been declared to exist and the commissioner of public works, after the signing of a contract, has ordered in writing that work on a project be carried on in excess of 10 hours per day or 40 hours per week, it shall be the duty of the city to reimburse the contractor over and above the price agreed upon for the performance of such work in the amount of the premium paid for overtime work, or work performed at times other than the normal workday or workweek, in accordance with the prevailing overtime wage rates, plus any premium paid for necessary materials because of delivery during times other than the normal workday or workweek. Provided further, that the restriction imposed in respect of the number of hours of labor per week shall not apply to dredging operations or to the operations of tugs or tow boats in navigable waterways and basins of said city, or to marine work performed principally by the use of craft or floating equipment in Lake Michigan or in

that portion of the Milwaukee harbor lying downstream from Broadway bridge over the Milwaukee river and from the lower bridge of the Chicago & North Western Railway Company over the Kinnickinnic river.

309-23. Hourly Employees to Get Overtime Pay. Hereafter any laborers, mechanics or other employees employed in any work done by the city, who are paid on an hourly basis, shall be paid when required to work more than the regular established weekly schedule for the department or division in which such employee is engaged at time and one-half for any such work performed by them; provided, however, that for the purposes of this section such weekly schedule shall not be less than 44 hours.

309-25. Minimum Wage Provisions Applicable to City Contractors. Hereafter all skilled and unskilled laborers employed in any work done by contract for the city, by any contractor or subcontractor performing work for the city, either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever, shall receive and be paid a sum of not less than the current rate of per diem wages established by the common council on city work. Said current rate of per diem wages is fixed at sums which shall not be less than constituting a day's work for similar work by direct employment, at the time the contract is entered into, unless the city by proper authority shall subsequently and during the course of the work reduce said rate, in which case the reduced rate shall govern; and for this purpose all ordinances pertaining to labor are made part of all contracts, subcontracts and agreements hereafter made, let or be entered into by the city. The proper officers of the city are directed to add a digest of ss. 309-21, 309-25, 309-27 and 309-33, and of all wage and hour schedules then in effect, to all specifications for all work described in this section, and reference to same shall be published in the notice issued for the purpose of securing bids. A schedule of wage rates and hours of labor shall be kept posted in at least one conspicuous and easily accessible place on the site of the project or, if there is no common site, at the place normally used by the city to post public notices. The purpose of this section is to insure a living wage to all laborers employed on all city work.

309-27. Specifications for Public Work Contracts. The specification for every contract for public work or public works entered into by the city shall contain, and no contract for such work shall be entered into by said city unless such contract and specifications therefor contain, a schedule of rates paid by the city for such work directly, heretofore or hereafter to be adopted pursuant to the minimum wage ordinance of the city of Milwaukee, and unless said contract contains the following stipulation or its equivalent:

"The contractor agrees that all persons employed by him in the performance of his contract shall be paid not less than the scale provided by the common council for similar work done directly by the city.

"The contractor agrees that he will make a sworn report or affidavit within 10 days following the contractor's completion of a contract, or every 3 months, whichever occurs first, and will procure and submit a like sworn report or affidavit from every subcontractor employed by him, to the commissioner of public works, of every employee employed on or under this contract or subcontract, and shall include for the specified period but not be limited to the employee's name, address, type of work performed, total hours worked, hourly rate, gross earnings, and employer's contribution to vacation, welfare and pension trust funds. Said reports of contractor or subcontractor shall include a statement that each and every employee has been paid in full the amount prescribed by the common council and that there has not been, nor is to be, any rebate or refund of any part of said wages by employee to employer.

"The commissioner of public works or any other officers are ordered not to pass any estimates for payment on any contract in which the contractor or subcontractor has failed to comply with all the provisions of the foregoing sections, and no estimate shall be so passed for payment until the commissioner of public works is satisfied that the provisions of the foregoing specifications have been fully complied with."

309-30. Fees for Construction Plans and Specifications. The department may charge fees for the reproduction and distribution of plans and specifications for the construction of paving projects; water main work; sewer work; building, bridge and recreational facility work; and other public works projects.

309-31. Wage Statements on Small Contracts. When a contract or order for materials, supplies or services totals less than \$200, the contractor, person, firm or corporation furnishing same may, in lieu of filing a sworn biweekly report or affidavit, furnish with the invoice rendered a statement in the form substantially as follows: "The undersigned, being the principal on the attached contract or order, or his duly authorized agent, certifies that all labor employed on such contract or order has been compensated at a rate not lower than that prescribed by the minimum wage ordinances and resolutions now in effect, and that all city ordinances relating to such matter have been complied with."

309-33. Disqualification of Contractor. Whenever any contractor or subcontractor engaged in any public work for the city shall have been found by the commissioner of public works, officer or employee of the city, or by a court of competent jurisdiction, to have infringed upon any of the provisions of s. 309-25 or any resolution or scale of wages adopted pursuant thereto, or any ordinance pertaining to the hours of labor upon public works, or any resolution adopted pursuant thereto, the contractor or subcontractor shall not be deemed to be a competent and reliable bidder in the sense as described in s. 7-14 of the city charter, and shall not be allowed to bid by himself or herself partner or agent or by any corporation of which he or she is a member for a period of one year after the first violation is found and for a period of 3 years after a second violation is found. No city official may award any contract to a person whom the state of Wisconsin has found to have failed to pay prevailing wage rates pursuant to 66.0903, Wis. Stats., unless the state of Wisconsin recommends otherwise or unless at least 3 years have elapsed from such a finding. Any contractor found by the commissioner of public works to have willfully failed to comply with any provision inserted into a contract for public works pursuant to ss. 309-38-2, 309-41-2 or 360-06, shall not be allowed to bid by himself or herself, partner or agent or by any corporation of which he or she is a member, for a period of up to 2 years after such noncompliance is found.

309-35 Public Works

309-35. Penalty. Every person, firm or corporation who shall violate the provisions of ss. 309-21, 309-25, 309-27 and 309-31 shall upon conviction thereof be punished by a fine of not to exceed \$25 and in default of payment thereof by imprisonment in the house of correction of Milwaukee county for a period not to exceed 90 days. The employment of each person contrary to the provisions of said sections shall be deemed a separate and distinct violation of the provisions thereof for each day so employed.

309-37. Limitations. The provisions of ss. 309-21 to 309-35 shall apply to only such work as is actually or is usually performed on the premises on which said buildings and works are being erected, constructed, remodeled or repaired.

309-38. Apprenticeship Requirements for Construction Contracts. 1. DEFINITIONS. In this section:

a. "Apprentice" means any person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer, in consideration for his or her services, in whole or in part, instruction in any trade, craft or business. Apprenticeship agreements shall be governed by ch. 106, Wis. Stats.

b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

d. "Contracting department" means any city department, agency, board or commission that has contracting responsibilities.

e. "Contractor" means a separate distinguishable business entity participating or seeking to participate in the performance of a contract.

2. REQUIREMENTS. a. The specifications for every construction contract in excess of \$100,000 entered into by the city of Milwaukee must contain, where appropriate, a requirement that the contractor shall employ apprentices in the performance of the contract and of all subcontracts entered into by the

contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and give fair consideration to all segments of the population including women and minorities. In determining whether this requirement is appropriate for insertion in specifications for a particular contract, the contracting department may consider the nature of the work, whether the contract is of short duration, and whether the work will involve trades which are not apprenticeable.

b. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports showing compliance with any contract requirements imposed in accordance with this section.

3. MONITORING AND ENFORCEMENT. The contracting department shall:

a. Monitor the performance of each contract with respect to the ratio of apprentices to journeymen employed on the project during performance of the contract.

b. Require all contractors and subcontractors to maintain records concerning its apprenticeship program, which shall be retained for 3 years after the contractor has received final payment under the contract. These records shall be made available to the contracting department for inspection upon reasonable notice.

4. SANCTIONS. Every construction contract effected by this section shall contain language indicating that if any documents submitted to the contracting department by a contractor, subcontractor, bidder or individual contain any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with the provisions of this section, the contracting department may direct the imposition of any of the following sanctions:

a. Withholding of payments.
b. Termination, suspension or cancellation of the contract in whole or in part.
c. After a due process hearing, denial of the right to participate in future contracts awarded by the city for 2 years.

309-39. Public Building Contracts.

1. ADVERTISING FOR BIDS. For those public contracts calling for the

construction, repair, remodeling or improvement of public buildings, the commissioner of public works is authorized to call for bids for a single contract or up to 6 separate branches of work. Contracts shall be awarded based on the lowest responsible bidder for each contract to be let.

2. BRANCHES OF PUBLIC BUILDING WORK. For the purposes of this section, branches of public work consist of:

- a. General construction, including but not limited to: site work and landscaping; concrete work; masonry work; structural steel and miscellaneous metals; carpentry work; moisture control; windows, doors, glass and glazing; interior finishes; building equipment; and furnishings.
- b. Roofing.
- c. Heating, ventilating and air conditioning.
- d. Plumbing.
- e. Electrical, except as required for elevators.
- f. Elevators.

309-41. Participation of City Residents in Public Works Contracts. 1. DEFINITIONS. In this section:

- a. "Community development block grant area" or "CDBG area" means that portion of the city designated as such by the common council which is identified by census tracts on maps maintained at the offices of the city clerk and the commissioner of public works.
- b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.
- c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.
- d. "Contractor" means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.
- e. "Department" means the department of public works.
- f. "Resident" means a person who maintains his or her place of permanent abode in the CDBG area within the city. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the CDBG area. Mere ownership of

property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

g. "Unemployed" means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 30 days. A resident shall continue to qualify as unemployed for 5 years from the date he or she first participated in a contract under this section. If a resident becomes an apprentice for a city contractor or becomes a member of any verifiable training program as determined by the department of public works immediately after or in the course of performing on a particular city contract, he or she shall continue to qualify as unemployed for a period not exceeding 5 years from the date the person became an apprentice or member of such training program.

2. REQUIREMENTS. All construction contracts and other contracts as the commissioner of public works may determine, administered by the department which are funded in whole or in part by city, state or federal funds, where appropriate and consistent with law, shall contain:

a. A requirement that 25% of the worker hours, subject to the provisions of sub. 3-a-2, shall be performed by unemployed residents of the CDBG area, and that furthermore the contractor shall give fair consideration to all segments of the population including women and minorities. For the purpose of this section, "worker hours" includes work performed by persons filling apprenticeship and on-the-job training programs.

b. A provision in which the contractor certifies that it knows of the provisions of this section and intends to comply with them.

c. A requirement that the contractor maintain personnel records listing the names and addresses and race and gender of its employees utilized for each contract, and any records demonstrating that the employees utilized by the contractor in meeting the requirements of this section are actual residents of the CDBG area. These records shall be maintained for 3 years after the contractor has received final payment under the contract, and shall be made available to the department for inspection upon reasonable notice.

309-41-3 Public Works

d. A map identifying by census tract the CDBG area of the city of Milwaukee as designated by the federal economic development administration.

3. ADMINISTRATION. The department shall be responsible for the planning, implementation and enforcement of this section.

a. Planning and Implementation. Prior to the commencement of any construction or other project covered by this section, the department shall:

a-1. Identify the approximate number of job positions involved in the project.

a-2. Determine the appropriate level of participation of unemployed residents of the CDBG area for inclusion in the contract specifications. The appropriate level of participation shall be presumed to be 25%, unless the department determines there is sufficient reason to impose a lesser requirement. However, the commissioner of public works may require greater levels of participation if the commissioner finds that such levels may be warranted for certain contracts.

b. Monitoring and Enforcement. The department shall:

b-1. Monitor compliance with the provisions of this section.

b-2. Require all contractors and subcontractors, prior to commencement of the work, to submit affidavits on forms supplied by the department from employees utilized to meet the requirements of this section, stating that the employee is both unemployed and is a resident of the CDBG area.

b-3. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports listing workers by name, residential address, work classification and hours worked.

b-4. Arrange for an independent annual audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin or by the city comptroller.

b-5. Maintain racial demographics and residency information regarding job positions in all construction contracts administered by the department.

4. ANNUAL REVIEW. The residents preference program established by this section shall be reviewed by the common council, in consultation with the mayor, on or before

October 1 of each year, to review the necessity for the continuation of the program and, if necessary, adjust the requirements of the program in an attempt to reduce the disparity between the unemployment statistics for the CDBG area and the rest of the city and the Milwaukee metropolitan area.

5. ANNUAL PROGRAM REPORT. The department shall prepare annually a residency preference program report on the city's success in achieving the goals of the program. The performance report shall include the following:

a. The number and dollar amount of all construction contracts let.

b. The number and dollar amount of construction contracts which incorporated a residency requirement and the percentage of unemployed resident worker hours required.

c. If not all construction contracts included a residency requirement or if some contracts contained a requirement of less than 25% of worker hours, the department shall state the reason for this difference.

d. The number and dollar amount of non-construction contracts which incorporated a residency requirement, along with a summary of the reasons for not incorporating a residency requirement in some or all of those contracts.

e. Full disclosure of the department's reasons for adjusting the participation percentage goal for individual contracts or groups of contracts.

f. The percentage of total hours worked by city/CDBG area, city/non-CDBG area and non-city residents for contracts which included the residency requirement.

g. Information to assist the common council in its annual reappraisal of the residents preference program, including the number of individual participants by job type (e.g. laborer, carpenter, electrician, etc.), the number of new CDBG area residents hired during the year under the program and the number of program participants who advanced to apprenticeships.

h. Unemployment rates in the CDBG area, the rest of the city and the Milwaukee metropolitan area and the sources of the statistics.

i. Recommendations regarding the necessity for continuation of the program and methods of making the program more successful.

6. **ADOPTION OF RESOLUTION.** As soon as practicable after review of the residents preference program as provided in sub. 4, the common council shall adopt a resolution stating the results of its reappraisal of the necessity for continuance of the residents preference program and the required participation percentage goals. The department shall prepare said resolution for common council consideration each year.

7. **SANCTIONS.** Every city contract awarded under this section shall contain language indicating that if any document submitted to the department by a contractor, subcontractor, bidder or individual contains any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with this section, the department may direct the imposition of any of the following sanctions:

- a. Withholding of payments.
- b. Termination, suspension or cancellation of the contract in whole or in part.
- c. After a due process hearing, denial of right to participate in future contracts awarded by the city for 2 years.

8. **PENALTY.** Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$1,000 or more than \$5,000 together with the costs of prosecution, and upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

309-51. Rules for the Administration of the Metropolitan Sewerage District User Charges.

1. **OVERALL RESPONSIBILITY FOR ADMINISTERING USER CHARGES.** The commissioner of public works shall administer the sewer user charge. He shall apply the rules contained herein and make such amendments subject to approval by the utilities and licenses committee of the common council as may be required from time to time for proper application of the charge.

2. **RESPONSIBILITIES OF THE CITY OFFICERS AND DEPARTMENTS ADMINISTERING USER CHARGES.** a. **Superintendent of Water Works.** The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the sewer user charge. The superintendent of water works shall

provide the department of administration with the account numbers for all properties which are included in the list of water accounts. Account numbers shall be provided for additions and deletions to the list as they are received. The superintendent of water works shall collect the sewer user charge and transmit the revenue therefrom to the city treasurer together with water revenues as received. The superintendent of water works shall approve the payment of bills submitted by city departments for expenses incurred in the application of the sewer user charge. In addition, the department shall perform the following duties:

a-1. **Determination of user charge administration expenses.** Account for expenses of all administrative charges to sewer user accounts, and make payments to the water department, department of administration, the city comptroller and other departments for reimbursable accounts charges.

a-2. **Billing and collecting.** a-2-a. The sewer user charge shall be levied against water accounts and all other sewer users and shall be calculated by the water department, city comptroller, and the metropolitan sewerage district including the volumetric charge, the connection charge and the city of Milwaukee administrative charge.

a-2-b. The residential sewer user charge may be added to the water bill or billed to sewer users as a separate charge and shall be due and payable in the same manner as water bills. The commercial and industrial bills for sewer user charges will be billed approximately one month after the billing for water.

a-2-c. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water department where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1st shall be deemed delinquent. A penalty of 10% will be charged on the outstanding balances that are deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

a-2-d. When partial payments of the combined water sewer user charge bills are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment shall be applied to the water bill first. Any portion of the partial payment remaining after the water bill is paid

309-51-2-b Public Works

for shall be applied to the sewer user charge. Any overpayment of the combined bill shall be applied to the sewer user charge on the account for such property.

a-3. User charges. a-3-a. The residential and noncertified commercial user charge shall be based on the volumetric charge, and the connection charge, as billed to the city of Milwaukee by the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge. The basis of the volumetric portion of the residential sewer use charge for the entire year may vary. The sewer use charge in the winter quarter shall be based upon actual water consumption. The winter quarter shall mean the quarterly billing period ending in February, March or April. The sewer use charge in the 3 subsequent quarterly billing periods shall be based upon actual water consumption, or the winter quarter water consumption, whichever is less. In the event the winter quarter water consumption is 21 Ccf or less, then 21 Ccf, or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods. The charge to non-certified commercial users shall be based upon water consumption each billing period. The charge to certified users shall be the amounts as received on individual invoices from the Milwaukee metropolitan sewerage district, plus the city of Milwaukee administrative charge.

a-3-b. Where city of Milwaukee residents receive their water retail from suburban utilities, the water department shall obtain the water consumption data and bill the property for sewer user charge, regardless of to whose sewer the property is connected. Where city of Milwaukee residents have sewers connected to suburban sewers, the resident will be billed by the city of Milwaukee based on water consumption. Where suburban residents receive their water retail from the city of Milwaukee, the water department shall provide water consumption data to such suburbs.

a-3-c. Where water consumption data is exchanged under sub. 2-a-3-b. the water department shall bill the cost of the city of Milwaukee administration charges to such suburbs based on a determination by the water department.

a-3-d. A residential sewer user who obtains water from a private well shall submit to the superintendent of water works by April 1 of each year a form prescribed by the superintendent in which the residential user

declares the number of people residing in the household. A residential sewer user shall receive sewer user charge bills for the ensuing 4 quarters based on the city average water consumption for the number of people residing in the household. If such form is not submitted, the bill shall be based on 2 persons more than the average number of people residing in a city of Milwaukee household. The city average water consumption and the average number of people residing in a household shall be determined by the metropolitan sewerage district.

a-4. Review of petitions for relief from sewer user charges. When petitions for relief from the sewer user charge are received by the water department, it shall evaluate them and, if substantiated, make necessary adjustments to make the charge reasonable and equitable in the judgment of the water department. To that end, the water department shall direct the department of administration to make the necessary adjustments in the sewer user charge accounts receivable and associated billing files.

b. City Engineer. The city engineer shall review those petitions for relief from the sewer user charge which are referred from the Milwaukee water works. Upon completion of each review, he shall report to the Milwaukee water works on his findings and recommend what action should be taken relative to the petition.

c. Milwaukee Water Works. The Milwaukee water works shall prepare the bills for the combined water-sewer user charge billing and shall prepare and maintain such programs as are required for the computation and proper billing and collections of the sewer user charge to all accounts. Such programs shall provide for billing in accordance with s. 309-53 and these rules. The water works shall maintain records of accounts receivable and provide all information required by the city comptroller. It shall also compute the distribution of cash received between water and sewer user charges as required by these rules.

d. City Comptroller. The administrative functions of the city comptroller shall include, but are not limited to, the following:

d-1. Establish sewer user rates as required by s. 309-53.

d-1-a. Sewer user rates shall provide for the recovery of the city of Milwaukee cost of administration for sewer use charges, known as the city of Milwaukee administrative charge.

Total estimated costs of administering the sewer user charge will be allocated to all sewer users on the basis of equivalent meters.

d-1-b. The city administrative charge will be added to the volumetric charge and the connection charge as determined by the metropolitan sewerage district in order to establish the total sewer user rates to be charged to all classes of sewer users. The sewer user rates so determined will be adjusted by surpluses or deficits of the sewer user charge fund in an equitable manner.

d-2. Calculate certified commercial and all industrial rates based on billings to the city by metropolitan sewerage district, plus cost of administration, which shall be based on water department meter size for the property served.

d-3. Account and report for sewer user charges and cash receipts of residential, commercial and industrial accounts on the city's accounting records.

d-4. Make payments to the metropolitan sewerage district pursuant to the invoice of sewer user charges.

d-5. Following annual submission of all delinquent user charges by the water department, the city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as real estate taxes as provided by law.

e. City Treasurer. The city treasurer shall receive revenues from the sewer user charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as herebefore provided.

f. Neighborhood Services. The department of neighborhood services is designated as the department responsible for notifying the metropolitan sewerage district, the water department and the department of administration of any changes in status of commercial and industrial properties which may require a different classification for user charge purposes.

309-53. Metropolitan Sewerage District Use Charges. 1. PURPOSE. a. The wastewater of this municipality is collected and treated in

whole or in part by the wastewater system operated by the Milwaukee metropolitan sewerage district (the district). The purpose of this section is to enable this municipality to establish and collect from users within the municipality those charges which represent the proportionate contribution by such users both to:

a-1. The cost of operating and maintaining the system; and

a-2. That part of the cost of past and future capital improvements in the system not defrayed by an ad valorem tax on real property.

b. The charges in par. a-1 and 2 are required to enable the district to become and remain eligible for federal grants for wastewater facility capital improvements.

2. INCORPORATION OF DISTRICT RULES AND REGULATIONS, CHAPTER 17.

a. Applicability. The following sections and related appendices of district rules and regulations, Chapter 17 promulgated by the district, as now in effect and as the same may be amended incorporated by reference and shall be in full force and effect as though set forth in their entirety herein.

a-1. Section 1701.20 Definitions.

a-2. Section 1701.040 Municipal Transfer of Data.

a-3. Section 1701.041 Estimated Volume of Discharge.

a-4. Section 1701.050 User Transfer of Data.

a-5. Section 1701.051 Discharge Factor Certification.

a-6. Section 1701.052 Wastewater strength Certification.

a-7. Section 1701.053 Certification Procedures.

a-8. Section 1701.054 Verification.

a-9. Section 1701.055 Audit Control of User Connections.

a-10. Section 1701.056 Appeal Provisions.

a-11. Section 1702.010 Purpose of the User Charge System.

a-12. Section 1702.020 User Charge Billing Basis.

a-13. Section 1702.030 Wholesale User Charge Billing Basis.

a-14. Section 1702.040 Unit Costs of Treatment.

a-15. Section 1703.010 Purpose of the Local Capital Cost Recovery (LCR) System.

a-16. Section 1703.020 LCR Billing Basis.

309-53-3 Public Works

a-17. Section 1703.030 Wholesale LCR Billing Basis.

a-18. Section 1703.040 Unit Costs of LCR.

a-19. Section 1704.010 Purpose of the Industrial Cost Recovery (ICR) System.

a-20. Section 1704.020 ICR Billing Basis.

a-21. Section 1704.030 Wholesale ICR Billing Basis.

a-22. Section 1704.040 Unit Costs of ICR.

b. Definitions. For purposes of this section "residential structure" as defined in district rules and regulations, Chapter 17, means any building accommodating exclusively one, 2, 3 or 4 residential units.

3. USERS CHARGES. There is imposed a charge on each user in this municipality who discharges wastewater, directly or indirectly, into the wastewater system operated by the district. The charge shall be in the amount specified for the various classes of users:

a. Residential Users. The residential user charge shall be based on a volumetric charge to be calculated by dividing the wholesale residential user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of residential water consumption. Individual residential user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of residential structures times the connection charge.

b. Noncertified Commercial Users. The retail noncertified commercial user charge shall be based on a volumetric charge to be calculated by dividing the wholesale noncertified commercial user charge (the charge by the district to the municipality), excluding connection charges, by the total volume of noncertified commercial water consumption. Individual noncertified commercial user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the user's number of service connections times the connection charge.

c. Discharge Certified Commercial Users. Each retail discharge certified commercial user charge shall be equal to each wholesale discharge certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

d. Wastestrength Certified Commercial Users. Each retail wastestrength certified commercial user charge shall be equal to each wholesale wastestrength certified commercial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

e. Noncertified Industrial Users. Each retail noncertified industrial user charge shall be equal to each wholesale noncertified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

f. Discharge Certified Industrial Users. Each retail discharge certified industrial user charge shall be equal to each wholesale discharge certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

g. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial user charge shall be equal to each wholesale wastestrength certified industrial user charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

4. LOCAL CAPITAL RECOVERY CHARGES. There is imposed a local capital recovery (LCR) charge on each industrial user in this municipality whose function is described by the Standard Industrial Classification (SIC) Division D, LCR User. The LCR charge shall be in the amount specified for the various classes of LCR users:

a. Noncertified Industrial Users. Each retail noncertified industrial LCR charge shall be equal to each wholesale noncertified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. Discharge Certified Industrial Users. Each retail discharge certified industrial LCR charge shall be equal to each wholesale discharge certified LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. Wastestrength Certified Industrial Users. Each retail wastestrength certified industrial LCR charge shall be equal to each wholesale wastestrength certified industrial LCR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

5. INDUSTRIAL COST RECOVERY CHARGES. There is imposed an industrial cost (ICR) charge on each ICR user, as defined in district rules and regulations, Chapter 17, in this municipality. The ICR charge shall be in the amount specified for the various classes of ICR users:

a. **Noncertified Industrial Users.** Each retail noncertified industrial ICR charge shall be equal to each wholesale noncertified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

b. **Discharge Certified Industrial Users.** Each retail discharge certified industrial ICR charge shall be equal to each wholesale discharge certified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

c. **Wastestrength Certified Industrial Users.** Each retail wastestrength certified industrial ICR charge shall be equal to each wholesale wastestrength certified industrial ICR charge submitted to the municipality pursuant to district rules and regulations, Chapter 17.

6. BILLING. a. User, LCR and ICR charges shall be billed quarterly or monthly as determined by the water works. Payment of such bills shall be made within 20 days after mailing by the municipality. In the event that such bill is not paid when due, a penalty of 3% on outstanding balances will be charged on all past due accounts billed quarterly, and a penalty of 1% on the outstanding balances will be charged on all past due accounts billed monthly. The quarterly bills for residential users shall be based upon water consumption in the winter quarter or water consumption in each succeeding quarter, whichever is less. "Winter quarter" shall mean the quarter ending in February, March or April. In the event the winter quarter water consumption is 21 Ccf or less, then 21 Ccf, or the actual water consumption, whichever is less, shall be the basis of the sewer use charge in any of the 3 subsequent quarterly billing periods.

b. All bills shall be payable at the Milwaukee water works, Zeidler municipal building, 841 North Broadway, or the office of the city treasurer, 200 East Wells Street.

c. In the event a user fails to certify data or in the event a user's certification is materially inaccurate or in the event there has been a substantial change in data since the

date of the user's last certification, the district shall notify the user that the verification data determined by the district pursuant to s. 1701.054 of district rules and regulations, Chapter 17, shall be used to determine the charge due for the current billing period and all future billing periods until the user submits a new certified statement.

d. Should inspection or verification by the district reveal that any statement certified by a user is materially inaccurate, the district shall determine the proper charge due and forward the new computation to the municipality in order that a bill for the deficiency may be sent. This deficiency billing shall be retroactive to the date or dates when the bills based upon the inaccurate certification were originally due and interest charges shall be applied to each deficiency as provided in par. a.

e. Unpaid User, LCR and ICR charges shall be a lien upon the property served and shall be enforced as provided in s. 66.0821(4)(c), Wis. Stats.

f. Any person who violates, disobeys, omits, neglects or refuses to comply with any action required pursuant to district rules and regulations, Chapter 17, shall forfeit not less than \$10, nor more than \$200 for each offense, together with the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense. Such forfeitures are in addition to the user, LCR and ICR charges due the municipality.

7. LOCAL SEWERAGE CHARGES. In addition to the charges imposed pursuant to subs. 1 to 6 with respect to the usage of the wastewater system of the district, this municipality is also empowered pursuant to ss. 62.11(5) and 66.0821(4)(a), Wis. Stats., to establish and impose sewer charges necessary to meet the capital and operating and maintenance expenses of its local sewer system. Such charges may be imposed by a separate ordinance.

309-54. Local Sewerage Charge.

1. PURPOSE. The wastewater of the city of Milwaukee is collected and conveyed in a sewerage system owned, operated and maintained by the city. The purpose of this section is to permit the city, as authorized under

309-54-2 Public Works

s. 66.0821, Wis. Stats., and s. 12-27 of the city charter, to provide for recovery of "operating costs" (as defined in s. 66.0821(4)(a), Wis. Stats.) of the sewerage system and to undertake operation and maintenance of said system out of revenue derived from a local sewerage charge.

2. DEFINITIONS. In this section:

a. "City Sewerage System" means a sewers system owned, operated and maintained by the city of Milwaukee, consisting of sanitary, combined and storm sewers.

b. "Local Sewerage Charge" means the sewerage charge as provided in sub. 3 imposed on each user who discharges waste water, directly or indirectly, into the city sewerage system.

c. "Operating Costs" means all costs of the city sewerage system within the scope of costs described under s. 66.0821(4)(a), Wis. Stats.

d. "Sewer Maintenance Fund" means the fund created pursuant to sub. 7.

e. "Water Consumption Data" means data respecting water consumption as collected by the Milwaukee water works.

3. SEWERAGE CHARGE. a. There is imposed a local sewerage charge on each user who discharges wastewater directly or indirectly into the city sewerage system. This charge shall recover the operating costs of the city sewerage system. In recovering these costs, the charge will be based upon water consumption, adjusted for the volume and character of water returned to the sewer system as provided for in pars. b to e.

b. Water consumption of users shall be determined using the water consumption data.

c. Non-certified Non-residential Users. Water consumption shall be the annual water consumption data.

d. Certified Non-residential Users. Water consumption shall be the adjusted water consumption data identified through the certification process of the Milwaukee metropolitan sewerage district with respect to the computation of sewer user charges under s. 200.59, Wis. Stats.

e. Residential Users. Residential water consumption shall be based as described in s. 309-53-6-a.

f. Identifiable items of operating costs specifically attributable to one or more particular non-residential users shall be charged back to those non-residential users as part of their local sewerage charge.

g. The common council shall adopt a resolution on an annual basis establishing the local sewerage charge imposed in accordance with this section.

4. LOCAL SEWERAGE CHARGE FOR WATER DISCHARGED INTO THE CITY SEWERS BUT NOT PURCHASED FROM THE MILWAUKEE WATER WORKS. For any property supplied with water, either in whole or in part, from any well or source other than the Milwaukee water works and discharging all or portions of such water into the city sewerage system, there shall be a local sewerage charge, separate from and in addition to any sewer service charge based on the consumption of water from the Milwaukee water works. All such wells or other sources of supply shall be identified and registered with the superintendent of the Milwaukee water works in accordance with s. 309-51-2-a-3-d. The local sewerage charge shall be imposed upon such properties in accordance with:

a. The volumetric water usage determined pursuant to s. 309-51-2-a-3; and

b. The resolution adopted by the common council pursuant to sub. 3-g establishing the local sewerage charge.

5. OVERALL RESPONSIBILITY FOR ADMINISTERING THE LOCAL SEWERAGE CHARGE. The commissioner of public works shall administer the local sewerage charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the local sewerage charge, and may make amendments thereto, subject to approval by the utilities and licenses committee of the common council as may be required from time to time for proper application of the local sewerage charge.

6. RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE LOCAL SEWERAGE CHARGE. a. Superintendent of Water Works. The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the local sewerage charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with water revenues as received.

b. City Treasurer. The city treasurer shall receive revenues from the local sewerage charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section. All revenue, including interest,

from the sewerage charge shall be placed in the sewer maintenance fund unless otherwise provided by law.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s. 66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of said sewer charge within a sewer maintenance fund.

7. SEWER MAINTENANCE FUND. There is created for the city of Milwaukee a separate fund, to be called the sewer maintenance fund.

a. All revenue, including interest, derived from the local sewerage charge, shall be placed in the sewer maintenance fund, unless otherwise provided by law, and shall be used to defray operating costs related to the city sewerage system.

b. The sewer maintenance fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him or her on vouchers drawn for the same in the manner provided in this section.

8. BILLING AND COLLECTING. The local sewerage charge shall be levied against water accounts and all other sewer users and shall be calculated by the water works. The charge shall be added to the water bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for 2 full quarters on October 1 shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined water/sewer charge bills are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment is to be applied to the water bill first. Any portion of the partial payment remaining after the water bill is paid for shall be applied to the sewer user charge. Any portion of the partial payment remaining after the sewer user charge is paid for shall be applied to the sewer maintenance fee. Any

overpayment of the combined bill shall be applied to the sewer user charge on the account for such property.

9. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a local sewerage charge, sewer maintenance fund, and the application of

revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions or part of the section which other provisions and parts shall remain in full force and effect.

10. APPEAL PROCEDURE. a. a-1. Whenever any local sewerage charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such local sewerage charge, his or her specific reasons for objection and the amount of the overcharge complained of.

a-2. If, upon review by the commissioner of public works, it is determined that all or any part of any local sewerage charge paid under such protest is not just or reasonable, the commissioner shall institute necessary procedures for such refund. In the event that any person, following such review of such objection feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

b. Notwithstanding the appeal procedure herein provided for and as an alternative right of appeal, any user of the city sewerage system shall have the unconditional right to file a complaint with the public service commission as provided in s. 66.0821(5)(a), Wis. Stats.

309-61. Operation of Parking Facilities.

1. CONTRACT REQUIRED. a. All attendant operated city permanent parking structures and all non-permit, non-metered city

309-61-2 Public Works

surface parking lots shall be either managed by or leased to private contractors at the discretion of the commissioner of public works. If the city cannot obtain reasonable terms and conditions, the parking facilities or surface lots may be managed by the city, with approval by the common council, until such time as the commissioner of public works determines that an adequate contract or lease with a private firm can be secured.

b. Pursuant to s. 7-22 of the charter, all contracts for managing city permanent parking structures shall be awarded and administered by the commissioner of public works to the lowest responsible bidder in the manner provided in s. 7-14 of the charter and shall be for a minimum duration of 3 years with up to 2 one-year extensions allowable. All contracts for management of city parking structures shall be re-bid not less than every 5 years. All leases for operating non-permit, non-metered city-owned surface parking lots shall be awarded and administered by the commissioner of public works to the highest responsible bidder after competitive bidding, on the basis of lump sum bids payable in equal monthly installments. All leases shall be for a minimum duration of one year, with up to 4 one-year extensions allowable. All leases for operating city-owned surface parking lots shall be re-bid not less than every 5 years. Any variation to contract or lease terms in this paragraph shall be approved by the common council.

c. All contracts for managing city permanent parking structures shall specify that the management firm must contract for and provide mobile, uniformed security guard service in all of the structures. The security guards must drive in marked security vehicles which display a yellow/amber light on the top of the vehicle to be easily identifiable by parking patrons. The guards must patrol all ramps with the vehicle and must walk into and check each of the structures' stairwells during their tours of duty. Each guard must carry a portable radio with communication capabilities to at least one cashier per structure and to a 24-hour security base station for additional backup if required.

2. **PARKING RATES.** Upon recommendation by the commissioner of public works and approval by the common council, the specifications for every contract for management of city parking structures shall

contain a range of minimum to maximum rates to be charged. The schedule shall be established from time to time by the common council. All non-permit, non-metered city surface parking lot leases shall incorporate the maximum rate to be charged by the lessee under the direction of the commissioner of public works. The commissioner shall have authority to raise or lower rates within the approved range as market conditions and other factors warrant. Suggested rate changes outside the approved range shall be approved by the common council. The range of minimum to maximum rates to be charged shall be as follows:

a. Parking structures at MacArthur Square, 4th & Highland, 724 N. Plankinton, 535 N. Milwaukee and 1000 N. Water:

a-1. 1st half hour - \$1.00 to \$2.50.

a-2. Daily maximum and special event - \$3.00 to \$15.00.

a-3. Early bird and non-event night and weekend - \$2.00 to \$8.00.

a-4. Monthly: unreserved - \$45.00 to \$100.00; reserved - \$80.00 to \$150.00.

b. Non-permit, non-metered city surface parking lot lease maximum rates:

b-1. Daily parking - \$7.50.

b-2. Evening parking - \$6.00.

b-3. Monthly day - \$75.00.

b-4. Monthly evening - \$60.00.

b-5. Monthly 24 hours - \$100.00.

c. All contracts and leases shall provide that only the amount of spaces provided for by the design capacity of the facility shall be rented at any one time. Only passenger automobile, motorcycle, moped and bicycle parking shall be allowed unless otherwise specifically provided for in the design of the facility.

3. **INSURANCE AND DEPOSITS.**

a. All contracts and leases shall require the maintenance of policies of insurance as shall be determined by the city attorney, and shall require the contractor or lessee to defend and save harmless the city, its employees, officers and agents from all losses or expense by reason of liability imposed by law for damages because of bodily injury to any person in or on account of damages to property including the loss of use thereof which might occur in the operation of the parking facility. Policies shall provide for cancellation only after 60 days notice to be given to the city in

writing. A certificate of insurance and a copy of the policy shall be filed by the contractor or lessee with the commissioner of public works. The amount and kinds of insurance to be provided for each parking facility shall be determined by the city attorney and shall be adequate to protect the interests of the city.

b. All parking contracts including leases shall require a performance bond or a letter of credit as determined by the commissioner of public works. The amount of the deposit, bond or letter of credit required shall be determined by the commissioner and shall be adequate to fully protect the city under the provisions of the contract or lease. All bonds or letters of credit shall be reviewed and approved by the city attorney and subsequently filed with the commissioner of public works.

309-71. Assessment and Collection of Board-up Expenses Incurred by the Department of Public Works. The costs incurred by the commissioner of public works in boarding and securing from unlawful entry, open or unsecured structures may be assessed and collected as a special charge.

309-72. Notice and Appeal Procedures for Special Charges. 1. Prior to the imposition of a special charge to recover the cost for current services to property rendered by the department of public works, the commissioner of public works shall mail a notice to the last known address of the owner of record of the subject property informing the owner of the amount to be recovered as a special charge. The notice shall also inform the owner that he or she has 30 days from the date the notice was mailed to appeal the necessity or amount to the administrative review appeals board under the provisions of s. 320-11. No cost incurred in accordance with this section shall be placed on the tax bill as a special charge until the latest of the following:

a. The expiration of the time to appeal to the administrative review appeals board as specified in this section.

b. The administrative review and appeals board's affirmation, in whole or in part, of the amount to be imposed as a special charge.

c. The conclusion of a judicial review, filed in accordance with s. 68.13(1), Wis Stats., that affirms in whole or in part the decision of the administrative review appeals board.

2. **APPLICABILITY.** The notice and appeal procedure specified in this section shall apply unless another procedure is otherwise specified for the recovery of a special charge for a particular type of service rendered.

309-83. Snow and Ice Removal Cost Recovery Charge. 1.

PURPOSE. The purpose of this section is to permit the city as authorized under s.66.0627, Wis. Stats., to recover costs relating to snow and ice removal through means of a snow and ice removal cost recovery charge.

2. **CHARGE.** a. There is imposed a snow and ice removal cost recovery charge to be collected on all property for such service previously rendered.

b. The common council shall adopt a resolution on an annual basis establishing the snow and ice removal cost recovery charge imposed in accordance with this section. The recovery charge may, subject to common council approval, be adjusted no more than once additionally per year on the basis of cost recovery experience.

3. **OVERALL RESPONSIBILITY FOR ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.** The commissioner of public works shall administer the snow and ice removal cost recovery charge. He or she may formulate and promulgate rules which shall be applicable with respect to the administration and collection of the snow and ice removal cost recovery charge, and may make amendments thereto, subject to approval by the public safety committee as may be required from time to time for proper application of the snow and ice removal cost recovery charge.

4. **RESPONSIBILITY OF CITY OFFICERS AND DEPARTMENTS ADMINISTERING THE SNOW AND ICE REMOVAL COST RECOVERY CHARGE.**

a. **Superintendent of Water Works.** The superintendent of water works shall be responsible, under the commissioner of public works, for the administration of the snow and ice removal cost recovery charge. The superintendent shall collect the charge and transmit the revenue therefrom to the city treasurer together with solid waste water and local sewerage revenues as received.

309-83-5 Public Works

b. City Treasurer. The city treasurer shall receive revenues from the snow and ice removal cost recovery charge and shall also collect delinquent accounts when such delinquent accounts have been placed on the tax roll as provided for in this section.

c. City Comptroller. The city comptroller shall certify to the commissioner of assessments delinquent accounts to be placed on the tax roll, which shall be collected in the same manner as special charges under s.66.0627, Wis. Stats. The comptroller shall keep separate accounts of all the funds, receipts and payments on account of said snow and ice removal cost recovery charge.

5. BILLING AND COLLECTING. The snow and ice removal cost recovery charge shall be levied against the water account and shall be calculated by the water works. The charge shall be added to the city services user bill and shall be due and payable in the same manner as water bills.

a. An interest penalty and late charge of 3% on outstanding balances will be charged on all past due accounts each quarter. This fee may be waived by the water works where deemed warranted by special circumstances. Charges that remain unpaid for

2 full quarters shall be deemed delinquent. Such delinquent user charges and 10% penalty shall be reported to the city comptroller for placement on the tax roll.

b. When partial payments of the combined city services user bill are made, the property owner may direct in writing how the partial payment is to be applied to the combined bill. If there is no written direction, the partial payment is to be applied to the water bill first. Any portion of the partial payment remaining after the water bill is paid for shall be applied to the solid waste charge and the snow and ice removal cost recovery charge, only after payments for the metropolitan sewerage district and sewer user charges have been made.

6. SAVING CLAUSE. It is the intent of the common council that the provisions of this section relating to a snow and ice removal cost recovery charge, and the application of revenue from this charge are separable. If any provision or part of this section be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of any

other provisions or part of the section which other provisions and parts shall remain in full force and effect.

7. APPEAL PROCEDURE.

a. Whenever any snow and ice removal cost recovery charge is imposed in accordance with this section, and the person required to pay such charge feels aggrieved as a result of the imposition or collection of such charge, such person shall pay such charge when the same shall become due, but shall pay it "under protest." Within 20 days following such payment, such person may file with the commissioner of public works a complaint to the effect that such person is aggrieved by the imposition and collection of such snow and ice removal cost recovery charge, his or her specific reasons for objection and the amount of the overcharge complained of.

a-2. If, upon review by the commissioner of public works, it is determined that all or any part of any snow and ice removal cost recovery charge paid under such protest is not just or reasonable, the commissioner shall institute necessary procedures for such refund. In the event that any person, following such review of such objection feels aggrieved by the determination of the commissioner, such person may, within 10 days, appeal to the common council. The common council shall make such determination as is just and reasonable.

b. Notwithstanding the appeal procedure provided in par. a and as an alternative right of appeal, any person required to pay the snow and ice removal cost recovery charge shall have the unconditional right to file a complaint with the administrative review appeals board, pursuant to s.320-11.

**LEGISLATIVE HISTORY
CHAPTER 309**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

m = renumbered
rp = repealed

| <u>Section</u> | <u>Action</u> | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
|----------------|---------------|-------------|---------------|------------------|
| Ch. 309 | cr | 881930 | 3/7/89 | 3/25/89 |
| 309-1-1 | am | 991247 | 11/29/99 | 1/1/2000 |
| 309-1-1-b | am | 991569 | 2/29/2000 | 3/17/2000 |
| 309-1-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-1-2 | rc | 951008 | 12/19/95 | 1/13/96 |
| 309-1-3 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-1-3 | am | 911321 | 12/20/91 | 1/14/92 |
| 309-1-3 | rc | 951008 | 12/19/95 | 1/13/96 |
| 309-1-3 | am | 961315 | 12/17/96 | 1/9/96 |
| 309-1-3 | am | 010858 | 12/17/2001 | 1/1/2002 |
| 309-1-4 | m to 309-2 | 911321 | 12/20/91 | 1/14/92 |
| 309-2 | am | 911321 | 12/20/91 | 1/14/92 |
| 309-2 | am | 912458 | 5/26/92 | 6/12/92 |
| 309-2 | am | 920987 | 11/20/92 | 12/20/92 |
| 309-2 | am | 931078 | 11/11/93 | 12/19/93 |
| 309-2 | am | 941048 | 11/29/94 | 1/1/95 |
| 309-2 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-3 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-3-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-3-1-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-3-1-c | am | 891613 | 12/19/89 | 1/13/90 |
| 309-3-1-d | cr | 891613 | 12/19/89 | 1/13/90 |
| 309-3-1-e | cr | 941048 | 11/20/94 | 1/1/95 |
| 309-3-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-3-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-5 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-5-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-5-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-5-1 | am | 920987 | 11/20/92 | 12/20/92 |
| 309-5-1 | am | 931078 | 11/11/93 | 12/19/93 |
| 309-5-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-5-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-7 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-7-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-7-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-7-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-7-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-9 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-9-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-1-a | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-1-b-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-1-b-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-1-b-3 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-9-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-10 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-10 | rc | 951008 | 12/19/95 | 1/13/96 |

309-(HISTORY) Public Works

| | | | | |
|------------|------------------|--------|-----------|-----------|
| 309-10 | am | 961315 | 12/17/96 | 1/9/96 |
| 309-10 | am | 980963 | 12/18/98 | 1/1/99 |
| 309-10 | am | 991247 | 11/29/99 | 1/1/2000 |
| 309-10 | am | 010858 | 11/9/2001 | 1/1/2002 |
| 309-11 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-11-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-11-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-11-1 | am | 931078 | 11/11/93 | 12/19/93 |
| 309-11-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-11-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-13 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-13-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-13-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-13-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-13-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-15 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-15-0 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-15-1 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-15-1 | am | 911321 | 12/20/91 | 1/14/92 |
| 309-15-1 | am | 941048 | 11/29/94 | 1/1/95 |
| 309-15-2 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-15-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-17 | rp | 951008 | 12/19/95 | 1/13/96 |
| 309-17-1-a | am | 920987 | 11/20/92 | 12/20/92 |
| 309-17-1-a | am | 931078 | 11/11/93 | 12/19/93 |
| 309-17-3 | rp | 891613 | 12/19/89 | 1/13/90 |
| 309-21-1 | am | 970111 | 5/13/97 | 5/31/97 |
| 309-21-2 | am | 970111 | 5/13/97 | 5/31/97 |
| 309-23 | am | 891613 | 12/19/89 | 1/13/90 |
| 309-25 | am | 970111 | 5/13/97 | 5/31/97 |
| 309-33 | am | 920586 | 7/28/92 | 8/14/92 |
| 309-33 | am | 941852 | 4/2/96 | 4/20/96 |
| 309-33 | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-33 | am | 970111 | 5/13/97 | 5/31/97 |
| 309-38 | cr | 911330 | 3/3/92 | 3/20/92 |
| 309-38-2-a | am | 961523 | 2/11/97 | 2/28/97 |
| 309-39 | rc | 921869 | 3/23/93 | 4/9/93 |
| 309-41 | cr | 872263 | 6/25/91 | 7/13/91 |
| 309-41-0 | am | 931232 | 12/22/93 | 1/14/94 |
| 309-41-1-a | rn to 309-42-2-b | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-a | cr | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-b | rn to 309-41-1-c | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-c | rn to 309-41-1-d | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-d | rn to 309-41-1-e | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-e | rn to 309-41-1-f | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-f | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-f | rp | 922134 | 5/25/93 | 6/12/93 |
| 309-41-1-g | am | 920660 | 1/15/93 | 2/4/93 |
| 309-41-1-g | am | 941852 | 4/2/96 | 4/20/96 |
| 309-41-2-0 | am | 931232 | 12/22/93 | 1/14/94 |
| 309-41-2-a | am | 920660 | 1/15/93 | 2/4/93 |
| 309-41-2-a | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-2-a | am | 941852 | 4/2/96 | 4/20/96 |
| 309-41-2-a | am | 970134 | 5/13/97 | 5/31/97 |
| 309-41-2-c | am | 920660 | 1/15/93 | 2/4/93 |
| 309-41-2-c | am | 922134 | 5/25/93 | 6/12/93 |

Public Works 309-(HISTORY)

| | | | | |
|----------------|---------------|--------|------------|------------|
| 309-41-2-d | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-3-a-0 | am | 931232 | 12/22/93 | 1/14/94 |
| 309-41-3-a-1 | am | 931232 | 12/22/93 | 1/14/94 |
| 309-41-3-a-2 | am | 920660 | 1/15/93 | 2/4/93 |
| 309-41-3-a-2 | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-3-a-2 | am | 941852 | 4/2/96 | 4/20/96 |
| 309-41-3-a-2 | am | 970134 | 5/13/97 | 5/31/97 |
| 309-41-3-b | rc | 920660 | 1/15/93 | 2/4/93 |
| 309-41-3-b-2 | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-3-b-4 | rc | 941852 | 4/2/96 | 4/20/96 |
| 309-41-4 | am | 922134 | 5/25/93 | 6/12/93 |
| 309-41-4 | am | 990338 | 6/22/99 | 7/10/99 |
| 309-41-5 | m to 309-41-7 | 941852 | 4/2/96 | 4/20/96 |
| 309-41-5 | cr | 941852 | 4/2/96 | 4/20/96 |
| 309-41-5-c | am | 970623 | 7/25/97 | 8/13/97 |
| 309-41-6 | m to 309-41-8 | 941852 | 4/2/96 | 4/20/96 |
| 309-41-6 | cr | 941852 | 4/2/96 | 4/20/96 |
| 309-51-2-a-0 | am | 930451 | 7/27/93 | 8/13/93 |
| 309-51-2-a-3-a | am | 001188 | 12/15/2000 | 1/9/2001 |
| 309-51-2-a-3-a | am | 010869 | 4/23/2002 | 1/1/2003 |
| 309-51-2-a-3-a | am | 020593 | 11/8/2002 | 1/1/2003 |
| 309-51-2-a-3-d | rc | 961884 | 4/22/97 | 5/9/97 |
| 309-51-2-c | am | 001188 | 12/15/2000 | 1/9/2001 |
| 309-51-2-d-4 | am | 001188 | 12/15/2000 | 1/9/2001 |
| 309-51-2-d-5 | am | 921114 | 11/20/92 | 12/11/92 |
| 309-51-2-f | am | 980963 | 12/18/98 | 1/1/99 |
| 309-53-6-a | am | 001188 | 12/15/2000 | 1/9/2001 |
| 309-53-6-a | am | 010869 | 4/23/2002 | 1/1/2003 |
| 309-53-6-a | am | 020593 | 11/8/2002 | 1/1/2003 |
| 309-53-6-e | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-53-7 | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-54 | cr | 970946 | 11/4/97 | 11/21/97 |
| 309-54-1 | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-54-2-c | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-54-3-d | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-54-3-e | rc | 001188 | 12/15/2000 | 1/9/2001 |
| 309-54-3-e | rc | 010869 | 4/23/2002 | 1/1/2003 |
| 309-54-3-e | am | 020593 | 11/8/2002 | 1/1/2003 |
| 309-54-6-c | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-54-10-b | am | 001458 | 2/27/2001 | 3/16/2001 |
| 309-61 | cr | 880716 | 9/24/91 | 10/11/91 |
| 309-61-2 | rc | 911308 | 11/5/91 | 11/22/91 |
| 309-61-2-a-0 | am | 931067 | 11/9/93 | 11/30/93 |
| 309-61-2-a-1 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-a-2 | am | 931067 | 11/9/93 | 11/30/93 |
| 309-61-2-a-2 | am | 960764 | 9/24/96 | 10/11/96 |
| 309-61-2-a-2 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-a-3 | am | 931067 | 11/9/93 | 11/30/93 |
| 309-62-2-a-3 | am | 960764 | 9/24/96 | 10/11/96 |
| 309-61-2-a-3 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-a-4 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-b-1 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-b-2 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-b-3 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-b-4 | am | 000476 | 9/22/2000 | 10/11/2000 |
| 309-61-2-b-5 | am | 000476 | 9/22/2000 | 10/11/2000 |

309-- (HISTORY) Public Works

| | | | | |
|------------|----|--------|------------|-----------|
| 309-71 | cr | 931498 | 1/25/94 | 2/11/94 |
| 309-71 | am | 020472 | 7/16/2002 | 8/2/2002 |
| 309-72 | cr | 020472 | 7/16/2002 | 8/2/2002 |
| 309-83 | cr | 010946 | 12/17/2001 | 1/1/2002 |
| 309-83-2-a | am | 021691 | 3/25/2003 | 4/11/2003 |
| 309-83-5-a | am | 021691 | 3/25/2003 | 4/11/2003 |